

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:14-cr-00246 AGF/NAB
)	
NICHOLAS WILLIAM JOHNSTON)	
)	
Defendant.)	

MOTION TO CONTINUE HEARING

COMES NOW Nicholas William Johnston, by and through his undersigned attorney, and moves this Court for a continuance of the waiver/withdrawal hearing. In support thereof, undersigned counsel states as follows:

1. This Honorable Court has set a waiver/withdrawal hearing for May 4, 2015 at 9:00 a.m.
2. A plea hearing is set before the District Court on May 11, 2015 at 11:30 a.m.
3. The proposed plea agreement contains a provision for a sentence agreed to by the parties pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure.
4. Until such time as the plea is accepted by the District Court, Defendant Nicholas William Johnston does not want to waive and/or withdraw his pending motion to suppress.
5. Undersigned counsel believes the Motion to Suppress will be rendered moot by the entry of a guilty plea on May 11, 2015. However, if this Court wishes to hold a waiver/withdrawal hearing, defendant requests that it be held on May 11, 2015 soon after the plea is entered in U.S. District Court.

6. Undersigned counsel will be in Oklahoma City the week of May 4 for a trial in the Western District of Oklahoma, and Nicholas William Johnston resides in Providence, Rhode Island.

WHEREFORE, Defendant Nicholas William Johnston requests this Court to continue its waiver/withdrawal hearing until May 11, 2015.

Respectfully submitted,

/s/ Ronald E. Jenkins

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Attorneys for Defendant Nicholas William Johnston

OF COUNSEL:
JENKINS & KLING, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2015, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

John T. Davis, Assistant United States Attorney

/s/ Ronald E. Jenkins